

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-24 are currently pending. Claims 1-3, 8, 9, and 15 have been amended; and Claims 22-24 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-3, 8-10, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,237,143 to Fontana et al. (hereinafter “the ‘143 patent”) in view of U.S. Patent 6,126,330 to Knight (hereinafter “the ‘330 patent”); Claims 4, 11, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘143 and ‘330 patents, further in view of U.S. Patent 4,672,611 to Fukuhara et al. (hereinafter “the ‘611 patent”); and Claims 5-7, 12-14, and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘143, ‘330, and ‘611 patents, further in view of PCT application WO 98/47270 to Tuominen (hereinafter “the ‘270 application”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on July 13, 2004, at which time the Examiner’s interpretation of the ‘143 patent with respect to Claim 1 was discussed. However, no agreement was reached, pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising: (1) notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications; (2) requesting the monitoring device, by the first one of the plurality of target applications, through the

interface, to start monitoring usage of the first one of the plurality of target applications; (3) storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications; and (4) requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2 and 3) are rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the ‘143 patent discloses everything in Claim 1 with the exception of an “object oriented method of collecting information,”¹ and relies on the ‘330 patent to remedy that deficiency.

The ‘143 patent is directed to a method for monitoring and capturing the pattern of file usage for each of a plurality of diverse software tools provided on a computer system. As shown in Figure 3, the ‘143 patent discloses a system in which a file filter 18 monitors the file access of tool 17 and stores the monitored data in a monitor file 37. In particular, the ‘143 patent discloses that “[b]efore invoking the tool 17, the monitor 32 communicates a message to the Administrator 25 requesting it to invoke the file filter 18 with a request to the file filter to monitor the tools I/O operations.² In addition, “the file filter 18 then starts monitoring all files used as an input/output by the tool 17 and passes on this information to the Administrator 25.”³ Further, the ‘143 patent discloses that “START_MONITORING is a method used by the tool wrapper 30 to call the file filter software through the Administrator 25. The method directs the file filter software to start monitoring the input/output operations performed by the tool 17.”⁴ However, Applicants respectfully submit that the ‘143 patent

¹ Page 2 of the Office Action dated May 6, 2004.

² ‘143 patent, column 6, lines 26-29.

³ Id., column 6, lines 31-34.

⁴ Id., column 7, lines 48-50.

fails to disclose the step of requesting the monitoring device, by a first one of the plurality of target applications, through the interface, to send stored information regarding monitoring usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1. The '143 patent fails to disclose that the tool 17 or the tool wrapper 30, requests that stored monitored usage information be sent to a predetermined destination.

The '330 patent is directed to a computer implemented method for providing run-time instrumentation for an object-oriented program computer application that uses a set of software tools to create a monitor input file that indicates which objects of the application should be monitored when a user interacts with them. However, Applicants respectfully submit that the '330 patent fails to disclose requesting a monitoring device, by a first one of a plurality of target applications, to send stored information regarding monitoring usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1.

Accordingly, no matter how the teachings of the '143 and '330 patents are combined, the combination does not teach or suggest the step of requesting a monitoring device, by first one of a plurality of target applications, through an interface, to send stored information regarding monitoring usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and dependent Claims 2 and 3) patentably define over any proper combination of the '143 and '330 patents.

Independent Claims 8 and 15 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 8 and 15 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claim 8 (and dependent Claims

9 and 10) and Claim 15 (and dependent Claims 16 and 17) are rendered moot by the present amendment to Claims 8 and 15, respectively.

Regarding the rejection of dependent Claims 4-7, 11-14, and 18-21 under 35 U.S.C. §103(a), Applicants respectfully submit that the ‘611 patent and the ‘270 application fail to remedy the deficiencies of the ‘143 and ‘330 patents, as discussed above. Accordingly, for the reasons discussed above, Applicants respectfully submit that the rejection of Claims 4-7, 11-14, and 18-21 is rendered moot by the present amendment to the independent claims.

The present amendment also sets forth new dependent Claims 22-24 for examination on the merits. Claim 22, which depends from Claim 1, recites that the step of requesting the monitoring device to start monitoring includes selectively determining, by the first one of the plurality of target applications, at least one type of event to be monitored by the monitoring device. Claims 23 and 24 recite limitations analogous to the limitations recited in Claim 22. New Claims 22-24 are supported by the originally filed specification and do not add new matter.⁵

Thus, it is respectfully submitted that independent Claims 1, 8, and 15 (and all associated dependent claims) patentably define over any proper combination of the ‘143 patent, the ‘330 patent, the ‘611 patent, and the ‘270 application.

⁵ See Fig. 12A and the discussion related thereto in the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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